

REMARKS

In the instant application, Claims 1-25 are pending. Claims 8-25 have been withdrawn from consideration. Claim 1 has been amended. Support for the amendment is located generally throughout the Specification, specifically at page 2, lines 11- 20, Table 2a and page 16, lines 9-13. Reconsideration of the pending claims in view of the following remarks is respectfully requested.

Claim Rejection Under 35 U.S.C. § 102/103

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Yourker, or Christell, or Musch.

Present Claim 1 relates to an aqueous polymer dispersion prepared by the steps recited in part a) and b) of Claim 1 as well as a gel content of 1 to 60% based on the polymer, recited in part b). Further, Claim 1 has been amended to recite that the aqueous polymer dispersion does not have a significant drop in pH after storage according to step b). As discussed in the Specification, aqueous dispersions suitable for processing to aqueous adhesive formulations preferably are storage-stable, meaning that the pH of the dispersion should not decrease over time. As noted in the Specification, even with short storage times and at room temperature, the pH of these dispersions are known to decrease.

The novel properties (storage stability, high initial strength and high heat resistance) as set forth above are illustrated in the Examples of the instant application. Table 2a, page 16 of the instant specification, illustrates aqueous polychloroprene dispersions having a gel content of, for example, 15% by weight (see Example 3) which are not stored (conditioned) at a temperature of from 50° to 110° C. These dispersions (such as Example 3) show a decrease in the pH after storage, thus, not being storage-stable. In contrast, if the same dispersions are stored (conditioned) (see Examples 4 and 5) at the temperatures according to Claim 1, the pH remains substantially stable, thus, being storage-stable. The above illustrates that, among other features, the

storage portion of part b) of instant Claim 1 provide aqueous polychloroprene dispersions that are storage-stable.

Turning now to the cited references:

Yourker

Yourker, as discussed in the previously filed responses relates to an aqueous polymer latex having a gel content of at least 90%. As discussed in great detail previously, a high gel content influences the properties of the aqueous polychloroprene dispersion in adhesive formulations as shown by the decrease in initial strength and heat resistance where polychloroprene dispersions having high gel content are utilized (see comparison Examples 6 and 7 of Table 2c of the instant specification). Further, Yourker discloses a process for preparing polychloroprene lagnex having a pH higher than 11 at a temperature in the range of 60 to 90°C until the pH is lowered to the range of 9.5 to 10. In strict contrast thereto, the present invention relates to an aqueous polymer dispersion which does not have a significant drop in pH after storage.

Therefore, the aqueous dispersion of Claim 1 differs from the polymer latex of Yourker for at least the preceding reasons and therefore Yourker cannot anticipate Claim 1. Further, the aqueous dispersions of Claim 1 show unexpected results in adhesive formulations over dispersions having a higher gel content as in Yourker as well as having a storage stable pH. Thus, Claim 1 is not obvious in view of Yourker. Withdrawal of the rejection is respectfully requested.

Christell and/or Musch

Neither Christell nor Musch teach or suggest the storage step comparable to that recited in step b) of the present Claim 1 nor an aqueous dispersion which is storage stable. Further, neither reference discloses an aqueous dispersion which does not exhibit a significant drop in pH after storage per step b) of the claimed invention. Therefore, as shown above, the aqueous polychloroprene dispersions according to either Christell and/or Musch are different since the storage stability of the aqueous polychloroprene dispersions of the present invention are enhanced by the storage step recited in b) of instant Claim 1. Therefore, neither Christell nor Musch disclose the instant aqueous dispersions. Moreover, the storage step recited in step b) produces

unexpected results, i.e., enhanced storage stability as shown in the Examples of the instant specification, which are not featured or suggested in either Christell or Musch. As such, neither Christell nor Musch anticipate instant Claim 1 or render Claim 1 obvious. Withdrawal of the rejection of Claim 1 based on these two references is respectfully requested.

In view of the foregoing, neither Yourker, Christell, nor Musch teach the aqueous dispersion of instant Claim 1 since the instantly claimed dispersion features different properties over the cited references. Further, instant Claim 1 is not obvious in view of the cited references because the aqueous dispersion of Claim 1 shows unexpected results over the cited references. Withdrawal of the rejections to Claim 1 is respectfully requested.

Claims 2-7 either directly or indirectly depend from Claim 1 and are patentable over the cited references for at least the same reasons as set forth with regard to Claim 1. Withdrawal of the rejection of these claims is respectfully requested.

In view of the foregoing, the instant application, as amended, is now in condition for allowance. A prompt response to this Amendment in the form of a Notice of Allowability is hereby solicited.

The USPTO is hereby authorized to charge any fees, including any fees for an extension of time or those under 37 CFR 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

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